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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

United States of America,

Plaintiff,

vs.

Samuel Rappylee Bateman, et. al.

Defendants.

No. CR-22-08092-PCT-SMB

PROPOSED SCHEDULING ORDER

Per this Court's order (Doc. 270), the parties have conferred and the United States submits the attached proposed scheduling order. The proposed deadlines are based on a September 10, 2024 trial date. Therefore, if the trial date is changed, the parties would ask that the deadlines be adjusted in accordance with the scheduled trial date. The position of defense counsel for each defendant is set forth below.

SCHEDULING ORDER

I. DISCOVERY AND DISCLOSURE DEADLINES

A. Government's Deadlines

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|----|--|-----------|
| 1. | Initial Compliance with Rule 16 discovery ¹
(except initial expert disclosures) | 3/8/2024 |
| 2. | Rule 404(b), 413, 414 notification, if any | 4/12/2024 |
| 4. | Initial expert disclosures (simultaneous) | 4/12/2024 |
| 5. | Rebuttal expert disclosures (simultaneous) | 6/14/2024 |
| 5. | Production of Jencks material and witness
impeachment material, if not produced sooner ² | 8/9/2024 |

B. Defendant's Deadlines

- | | | |
|----|--|-----------|
| 1. | Close of reciprocal Rule 16 discovery | 4/12/2024 |
| 2. | Initial expert disclosures (simultaneous) | 4/12/2024 |
| 3. | Rebuttal expert disclosures (simultaneous) | 6/14/2024 |
| 4. | Production of Rule 26.2 material as to
intended witnesses, if any | 8/9/2024 |

II. FILING AND OTHER COURT DEADLINES

- | | | |
|----|--|-----------|
| A. | Disclosure of Preliminary Exhibit
and Witness List (Simultaneous) | 7/12/2024 |
| B. | Substantive Motions Deadline | 6/28/2024 |

¹ The United States has provided and will continue to provide discovery timely as it becomes available. This proposed order references the discovery within the government's possession and control as of the date set for compliance. If additional records and information are discovered by, or disclosed to, the government during pretrial preparation or otherwise, pursuant to Rule 16(c), Fed. R. Crim. P., the government shall promptly disclose any additional documentary evidence or materials to the defense as soon as practicable after such disclosure or discovery occurs.

² If the government obtains any additional written *Jencks* material after this date, this *Jencks* material shall be produced promptly to the defense as soon as practicable.

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|---|----|---|-----------|
| 1 | C. | Disclosure of Final Exhibit and Witness List | 8/9/2024 |
| 2 | D. | Motions <i>in Limine</i> | 8/2/2024 |
| 3 | E. | Proposed Jury Questionnaire and Screening
for Length of Trial | 6/7/2024 |
| 4 | F. | Responses to Motions <i>in Limine</i> | 8/16/2024 |
| 5 | G. | Joint Voir Dire, Joint Statement of the Case,
Joint Proposed Jury Instructions, Joint Proposed
Verdict Form | 8/9/2024 |
| 6 | | | |
| 7 | H. | Final Pretrial Conference | 8/26/2024 |
| 8 | I. | Trial | 9/10/2024 |
| 9 | | | |

10 **III. STATUS CONFERENCES**

11 The parties recommend scheduled status conferences to allow the parties to update
12 the Court as to case status and have an opportunity to raise issues, if any. For each status
13 conference, the parties will file a joint memorandum detailing the status of the case no less
14 than three days prior to the scheduled status conference.

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|----|----|------------------------------------|----------|
| 15 | A. | First Status Conference (proposed) | 4/1/2024 |
| 16 | B. | Second Status Conference | 7/8/2024 |
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18 **IV. DEFENDANTS' POSITIONS**

19 The following defendants, through their counsel/advisory counsel, concur with this
20 proposed scheduling order: Samuel Rappylee Bateman, Naomi Bistline, Josephine Barlow
21 Bistline, Leia Bistline, and Marona Johnson.

22 Sandra Hamilton, counsel for Donnae Barlow, proposed an October or November
23 2024 trial date because she will be in a state capital trial until March 31, 2024 and believes
24 that will render her unable to comply with some of the proposed deadlines. She also
25 requested the Court be advised that she has a second state capital trial set for September 3,
26 2024, which will in all likelihood be continued, but would otherwise interfere with a
27 September, October, or November 2024 trial date. Ms. Hamilton also proposed, as an
28

1 alternative, a January 2025 trial date in an effort to avoid the holidays.

2 The following defendants, through their counsel agreed with a January 2025 trial
3 date with the remaining scheduling order adjusted accordingly: Moretta Rose Johnson,
4 Brenda Barlow, Torrance Bistline, and possibly Leilani Barlow.³

5 Defendant LaDell Bistline, Jr., has a pending motion for self-representation;
6 therefore, counsel did not provide a position on the trial date, but wished to preserve Mr.
7 Bistline's right to object to any delay in this matter.

8 Respectfully submitted this 31st day of August, 2023.

9 GARY M. RESTAINO
10 United States Attorney
District of Arizona

11 *s/Dimitra H. Sampson*
12 DIMITRA H. SAMPSON
13 Assistant U.S. Attorney
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26 ³ Counsel for defendant Barlow responded "no objection with the date" to an email
27 string discussing both possible trial dates (September 2024 and January 2025).
28 Undersigned counsel has requested clarification from counsel for defendant Barlow on two
occasions, but as of the date of this filing, has not received a response.

CERTIFICATE OF SERVICE

I hereby certify that on August 31, 2023, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing a copy to the following CM/ECF registrant:

Myles Albert Schneider
Attorney for Defendant Samuel Rappylee Bateman

Cindy Castillo
Jose Antonio Saldivar
Attorneys for Defendant Naomi Bistline

Sandra Hamilton
Attorney for Defendant Donnae Barlow

D Stephen Wallin
Attorney for Defendant Moretta Rose Johnson

Mark Andersen
Advisory Attorney for Pro Se Defendant Josephine Barlow Bistline

Tony Rollman
Attorney for LaDell Jay Bistline, Jr.

Gillmore Bernard
Attorney for Defendant Brenda Barlow

Jocquese Blackwell
Attorney for Defendant Marona Johnson

Loyd C Tate
Attorney for Defendant Leia Bistline

Kathy Henry
Attorney for Defendant Torrance Bistline

Bradley Lewis Miller
Attorney for Defendant Leilani Barlow

1 I further certify that some of the participants in this case are not registered
2 CM/ECF users. I have mailed the foregoing document by regular First-Class Mail,
3 postage prepaid, for delivery, to the following non-CM/ECF participant:

4 Josephine Barlow Bistline
5 Reg. No. 51598-510
6 Florence-Az-Florence-CAFCC
7 Central Arizona Florence Correctional Complex
8 P.O. Box 6300
9 Florence, Az 85132
10 *Pro Se Defendant (5)*

11 s/Keona L. Ross
12 U.S. Attorney's Office
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